

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KITRICH A. POWELL,

Petitioner,

v.

WILLIAM REUBART, *et al.*,

Respondents.

Case No. 2:06-cv-01264-KJD-DJA

ORDER

In this capital habeas corpus action, after a 90-day initial period following the resolution of a motion for stay (ECF No. 129), a 75-day extension of time (ECF No. 135), and a 76-day extension of time, the respondents were due to respond to Petitioner Kitrich A. Powell's second amended habeas petition by June 6, 2022.

On June 6, 2022, Respondents filed a motion for extension of time (ECF No. 140), requesting a further 45-day extension of time to respond to Powell's second amended petition. Respondents' counsel states that the extension of time is necessary because of a change of the attorneys handling this case for Respondents, her heavy caseload, her administrative duties, illness, and time away from her work. Petitioner does not oppose the motion for extension of time. The Court finds that Respondents' motion for extension of time is made in good faith and not solely for the purpose of delay, and there is good cause for an extension of time.

The Court will grant Respondents' motion and will grant Respondents a 95-day extension of time, to September 9, 2022. This is substantially longer than the extension requested. The Court does this in view of the reasons given by counsel for making the motion, and with the expectation that this will forestall the need for a further extension. *The Court will not look favorably upon any motion to further extend this deadline.*

1 **IT IS THEREFORE ORDERED** that Respondents' Motion for Enlargement of
2 Time (ECF No. 140) is **GRANTED**. Respondents will have until and including
3 **September 9, 2022**, to respond to the second amended petition for writ of habeas
4 corpus.

5 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
6 proceedings set forth in the order entered August 24, 2020 (ECF No. 100) will remain in
7 effect.

8 **IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure
9 25(d), William Reubart is substituted for William Gittere as the respondent warden. The
10 Clerk of the Court is directed to update the docket to reflect this change.

11
12 DATED: June 7, 2022

13
14 

15 _____
16 KENT J. DAWSON
17 UNITED STATES DISTRICT JUDGE
18
19
20
21
22
23
24
25
26
27
28